IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 28273 of 2006(N)

PETITIONER:

THE PALGHAT DISTRICT CO-OPERATIVE
RUBBER MARKETING SOCIETY LTD, PALAKKAD DISTRICT
REPRESENTED BY ITS SECRETARY IN CHARGE.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:

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1. THE ASSISTANT REGISTRAR
CO-OPERATIVE SOCIETIES (GENERAL_
PALAKKAD.

2. THE TAHASILAR,
REVENUE RECOVERY, PALAKKAD.

BY SENIOR GOVT. PLEADER SRI.P.N.SANTHOSH.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) 28273/2006

APPENDIX

Petitioner's Exts:

Ext.P1 THE PHOTOCOPY OF THE ORDER NO.F.02/06-07/RUBBER ISSUED BY THE 2nd RESPONDENT.

//TRUE COPY//

P.S. to JUDGE.

J.M. JAMES, J.

W.P.(C) No.28273 of 2006

Dated this the 27th November, 2006.

J U D G M E N T

The Revenue Recovery Tahsildar, 2nd respondent, has issued Ext.P1 demand notice, for recovery of an amount of Rs.30,02,291/=. However, against the column, 'nature of due amount', it is stated "Audit cost". Relying on it, counsel submits that the amounts claimed is only audit cost and not otherwise.

2. The learned Senior Government Pleader, on the other hand, submitted that the words, "Audit Cost", is only a clerical error, and the amount is, as stated, the principal loan amount, and the interest thereon, due from the writ petitioner.

3. After hearing both sides, I set aside Ext.P1 demand notice issued against the writ petitioner and without prejudice to the writ petitioner, the second respondent, Tahsildar, shall issue a fresh demand notice correcting the clerical error, if any, that crept in Ext.P1. This shall be done within 10 days from the date of receipt of a copy of

this judgment. The second respondent shall also state in detail the principal loan amount, the interest and other cost, if any, that is to be realised from the writ petitioner, Society.

The writ petition is disposed of as above.

J.M. JAMES,
JUDGE

nj.